IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3381 OF 2004

IN

SUIT NO.3282 OF 2004

...

Mr.Praveen Khanna ...Plaintiff

v/s.

M/s.Bombino Video Pvt.Ltd.

and ors. ...Defendants

...

Mr.S.K.Chaurasia i/b A.M.Sarogi for the Plaintiff.

Mr.H.N. Thakore i/b Thakore Jariwala & Associates for Defendants Nos. 1 & 2.

...

CORAM: D.K.DESHMUKH, J.

DATED: 29TH SEPTEMBER,2005

P.C.:

1. This Notice of Motion is taken out by the Plaintiff. The suit of the Plaintiff is for decree of declaration that the Plaintiff is the exclusive copyright holder in respect of the film titled "Beta Ho to Aisa" and that the Defendant No.1 does not get the cable TV rights of the movie in India. At the ad-interim stage by interpreting the agreement at Exh.A between the Plaintiff and the Defendant No.1, the court has held that by that agreement even the cable TV rights in movie in India have been assigned to the Defendant No.1.

2. The learned counsel appearing for the Plaintiff has not been able to show me anything to persuade me to take a different view than the one which has been taken in the ad-interim order. The learned Counsel for the Petitioner submitted that what were assigned by Exh.B in favour of the Defendant No.2 were the whole-world rights in the movie excluding India, therefore, so far as Indian territory is concerned, the Defendant No.2 will not have any right. The

Defendant No.2 has assigned rights in the movie in India to a third party.

3. In my opinion, once it is prima facie found that the rights in Indian territory have been transferred to Defendant No.1, any grievance about transfer of those rights by Defendant No.2 to third party can be made by the Defendant No.1 and not by the Plaintiff.

4. Taking overall view of the matter, therefore, I find no substance in the Notice of Motion. It is disposed of.

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